

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28105. Adulteration of apples. U. S. v. 46 Bushels and 15 Crates of Apples. Default decree of condemnation and destruction. (F. & D. No. 40456. Sample Nos. 49420-C, 49421-C.)

This product was contaminated with arsenic and lead.

On September 13, 1937, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 bushels and 15 crates of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about August 31 and September 1, 1937, from Benton Harbor, Mich., by Pictor's Open Air Market, of Hammond, Ind., to itself, and charging adulteration in violation of the Food and Drugs Act. A portion was labeled: "Wealthy * * * Fred Rosenbaum R. 3 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 12, 1937, no claimants having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28106. Adulteration of apples. U. S. v. 34 Baskets and 20 Bushels of Apples. Default decrees of condemnation and destruction. (F. & D. Nos. 40494, 40501. Sample Nos. 59440-C, 59639-C.)

This product was contaminated with arsenic and lead.

On September 30 and October 9, 1937, the United States attorney for the Southern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 24 baskets and 20 bushels of apples at Muscatine, Iowa, alleging that the article had been shipped in interstate commerce on or about September 26 and October 5, 1937, from Benton Harbor, Mich. (hailed by truck of Nelson Graham to himself at Muscatine, Iowa), and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Bertha Bahm Route 2 Watervliet, Mich." The remainder was labeled: "August Lull R Two Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On November 6, 1937, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28107. Adulteration and misbranding of macaroni products. U. S. v. 3 Cases of Macaroni, et al. Default decrees of condemnation and destruction. (F. & D. Nos. 38310, 38973 to 38976, incl. Sample Nos. 31233-C, 31234-C, 31236-C, 31237-C, 36101-C to 36106-C, incl.)

These products were colored with annatto. In portions the quantity-of-contents statement was incorrect, indistinct, or inconspicuously placed.

On or about January 23 and June 26, 1937, the United States attorney for the District of Montana, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 614 cases and 46 cartons of macaroni products at Butte, Mont., alleging that the articles had been shipped in interstate commerce between the dates of October 1, 1936, and January 20, 1937, from Salt Lake City, Utah, by the Western Macaroni Manufacturing Co., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. Most of the articles were labeled in part, "Queen's Taste" or "Carnation Brand," together with the various types or shapes "Spaghetti," "Macaroni," "Alphabet," "Fancy Rings," etc. A few lots were labeled "Egg Noodles."

The articles were alleged to be adulterated in that they had been colored in a manner whereby inferiority was concealed. Portions were alleged to be adulterated further in that products containing artificial color, had been substituted in whole or in part for products made from semolina, which they purported to be. The egg noodles were alleged to be adulterated further in that products containing artificial color, a part of which was deficient in eggs, had been substituted for egg noodles, which they purported to be.

Certain of the products were alleged to be misbranded in that the statements on the labels, "A-1 Semolina," "Semolina Products," "Egg Noodles," and "Made of Durum Semolina," were false and misleading and tended to deceive and mislead the purchaser when applied to articles colored with annato, and in the case of one lot of egg noodles, deficient in egg; in the case of one lot, in that the statement borne on the front of the case, "Net Weight 5 lbs," was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short weight; and in the case of certain lots, in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 11, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28108. Adulteration of apples. U. S. v. 38 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40381. Sample No. 58656-C.)

This product was contaminated with lead.

On September 23, 1937, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 38 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about September 22, 1937, from Glassboro, N. J., by R. E. Zimmerman, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28109. Adulteration of apples. U. S. v. 63 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. No. 40405. Sample No. 37390-C.)

This product was contaminated with lead.

On September 22, 1937, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 21, 1937, from Vineland, N. J., by H. Ellis, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous ingredient, lead, which might have rendered it injurious to health.

On October 9, 1937, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

28110. Adulteration and misbranding of alleged olive oil. U. S. v. 27 Cans of Olive Oil. Default decree of condemnation and destruction. (F. & D. No. 39704. Sample No. 20389-C.)

This product consisted essentially of an edible oil other than olive oil, containing little or no olive oil. It was also short in volume.

On June 9, 1937, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 27 cans of olive oil at West Stockbridge, Mass., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, from Waterbury, Conn., by the Brass City Paper Co., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Net Contents One Gallon Pure Olive Oil Fior d'Italia Brand Guaranteed Imported From Lucca-Italy V. Bressi Bros."

The article was alleged to be adulterated in that an oil other than olive oil had been mixed and packed with it so as to reduce or lower its quality or strength and had been substituted for olive oil, which it purported to be; and in that it had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following statements and designs, "Net Contents One Gallon Pure Olive Oil Fior d'Italia," design of landscape showing an olive tree and women gathering olives, "Guaranteed Imported from Lucca-